



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 777-3656
www.state.nj.us/dep/landuse

Robert C. Shinn, Jr.
Commissioner

JAN 04 2001

Joseph Sweger
N.J.D.O.T.
P.O. Box 600,
1035 Parkway ave.
Trenton, N.J. 08625-0600

JAN 11 2001

PROJECT MANAGEMENT
RECEIVED

RE: Authorization for Freshwater Wetlands Statewide
General Permit, Water Quality Certification and
Waiver of Transition Area for Access

Applicant Name: N.J.D.O.T.
LURP File No.: 0000-00-00028.1-FWGP
Green Brook Township; Somerset County
Dunellen Borough; Middlesex County
Location: Madison Ave. Bridges over Green Brook
Lower Raritan Watershed; Raritan River Drainage
Basin

Dear Mr. Sweger:

The Land Use Regulation Program has reviewed the referenced application for a Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by Statewide General Permit #10, which authorizes minor road crossing fills and expansion of existing fills including attendant features that are part of a single and complete project for crossing a freshwater wetland or State open water.

Limit of Authorized Disturbance

Based on plans entitled "New Jersey Department of Transportation, Madison Avenue Bridge over Green Brook, Township of Green Brook, Somerset County and Borough of Dunellen, Middlesex County, Statewide General Permit No. 10 and Stream Encroachment Permit Plan" 2000, sheets 2 & 3 of 10, dated November 30, unrevised, and prepared by Site Blauvelt Engineers, the authorized activity involves the disturbance of .07 of an acre of wetlands and their associated transition areas for construction of two bridges, crossings the Green Brook along Madison Avenue. Any additional disturbance of freshwater wetlands or State open waters shall be considered a violation of the Freshwater

Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et. seq.).

Special Conditions

1. The total amount of fill placed within wetland or waters may not exceed 200 cubic yards at a single crossing.
2. The road crossing must not impede fish passage. If it is determined after construction that the crossing does in fact impede fish passage, the Department may require the applicant to reset fish passage through any rip/rap stabilization at the bridge location.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A 9.2 and 9.3, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General conditions:

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" (obtainable from local Natural Resource Conservation District Offices), or equal engineering specifications, to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable, or subject to modification or change at any time, when in the judgment of the Department of Environmental Protection of the State of New Jersey, such revocation, modification or change shall be necessary.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed

and/or executed in conformity with such plans and/or engineering data and the said conditions.

5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. The granting of this authorization shall not be construed to affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
7. This authorization is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
8. A copy of this authorization shall be kept at the work site and shall be exhibited upon request of any person.

Waiver of Transition Area

The Land Use Regulation Program has determined that the wetlands affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. The resource value classification is the basis for determining the standard width of transition area required for the wetlands affected by this permit authorization. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a transition area waiver. This waiver allows encroachment only in that portion of the transition area that has been determined by the Program to be necessary to accomplish the authorized activities.

Any additional prohibited activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Program. Prohibited activities within a transition area are defined at N.J.A.C. 7:7A-6.2(a).

Water Quality Certificate

This letter of authorization to conduct a regulated activity in a wetland or open water includes the Program's approval of a Water Quality Certificate for these activities.

This authorization for a Statewide General Permit is valid for a term not to exceed five years from the date of this letter. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified

by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.

The permittee shall allow an authorized Program representative the right to inspect the construction site. The permittee will notify, in writing, Coastal and Land Use Enforcement at 401 East State Street, 4th Floor, P.O. Box 422, Trenton, NJ 08625 at least 7 days prior to commencement of work authorized by this letter.

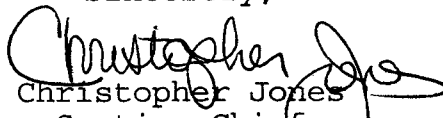
Appeal of Decision

The applicant or other affected party, if aggrieved by this decision to authorize the activities specified in this correspondence, may request a hearing on this decision by submitting a written request for an administrative hearing within 30 days of the DEP Bulletin publishing date, or the date of the receipt of this decision, to:

Office of Legal Affairs
ATTENTION: Adjudicatory Hearing Request
Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, New Jersey 08625-0402

If you have any questions regarding this Statewide General Permit authorization, please contact Andrew Clark of our staff at (609) 633-6754. Please reference the permit number in any communication concerning this action.

Sincerely,


Christopher Jones
Section Chief
Bureau of Inland Regulation

c: Green Brook Township Clerk
Green Brook Township Planning Board
Dunellen Borough Clerk
Dunellen Borough Planning Board